

## Nadler Blasts EPA on Firefighter Snub, Demands Answers

Wednesday, 12 March 2003

WASHINGTON - Rep. Jerrold Nadler (D-NY) is demanding that the Environmental Protection Agency justify its decision to snub New York's firefighters by denying their request to have their firehouses cleaned of World Trade Center hazardous materials, under the agency's Indoor Residential Cleanup program.

As reported in the news today, Rep. Nadler publicly raised the issue with Kathleen Callahan, EPA Region II Acting Deputy Director, yesterday.

In a letter to Ms. Callahan dated today, Rep Nadler wrote, "New York's Bravest and America's Heroes deserve to be protected by your agency. Many of these firefighters toiled for days without adequate protection against the toxins and hazardous substances released at Ground Zero. The presence of hazardous substances has also been documented inside many fire stations that house personnel who responded to the events at Ground Zero. By denying their request for a cleanup, in the very places where they eat and sleep, is to very possibly hand them a death sentence."

Rep. Nadler also wrote that he was not satisfied with Ms. Callahan's verbal response yesterday, which was: "The program that we have is strictly residential and therefore, we would not do firehouses."

Rep. Nadler pointed out that firehouses serve as part-time residences. He also noted that despite EPA's party-line response to criticism in its handling of the World Trade Center case that the agency either considers the law unclear, or that they are operating under the Federal Response Plan, both EPA Administrator Whitman and her deputy, Marianne Horinko, have testified under oath that another law - Presidential Decision Directive (PDD) 62 - is in effect. That law mandates that the EPA clean up all interiors in cases of terrorist emergency response.

Nadler wrote, "I respectfully request that you provide my office with all documents relating to this decision, including a detailed explanation and justification of how the EPA came to this decision, as well as a detailed explanation as to how your decision fits the legal criteria set out by PDD 62, which the top two EPA officials have confirmed is in effect."

Rep. Nadler has served in Congress since 1992. He represents the 8th Congressional District of New York, which includes parts of Manhattan and Brooklyn, including the site of the World Trade Center. A copy of the letter is attached.

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March 12, 2003

Ms. Kathleen Callahan

Region II Acting Deputy Director  
Environmental Protection Agency  
290 Broadway  
New York, NY 10007

Deputy Director Callahan:

This letter is to follow up on the admission you made yesterday, at a public event at Fordham University School of Law, that the EPA has decided to deny the Uniformed Firefighters Association's request to have certain firehouses tested and cleaned of hazardous materials released from the collapse of the World Trade Center, under the agency's Indoor Residential Cleanup program.

New York's Bravest and America's Heroes deserve to be protected by your agency. Many of these firefighters toiled for days without adequate protection against the toxins and hazardous substances released at Ground Zero. The presence of hazardous substances has also been documented inside many fire stations that house personnel who responded to the events at Ground Zero. By denying their request for a cleanup, in the very places where they eat and sleep, is to very possibly hand them a death sentence.

As you may recall from yesterday, I said I had learned that you told Joel Kupferman of the New York Environmental Law and Justice Project that the EPA would not clean firehouses. You apparently told Mr. Kupferman that the decision was reached because the agency did not want to set a precedent that it would clean up workspaces. I asked you to confirm that the EPA had indeed reached that decision and to explain further why this decision was made.

In answering me yesterday, you confirmed that the decision was made to deny the firefighters' request, but as to how, and why, the decision was reached, you merely said, "The program that we have is strictly residential and therefore, we would not do firehouses."

I am not satisfied with the quality of that answer. First, as you may know, firehouses are indeed part-time residences for firefighters. Second, as you may know, in sworn testimony last month, the Deputy Administrator for the EPA, Marianne Horinko, testified that the EPA is operating under Presidential Decision Directive (PDD) 62, signed by President Clinton in 1998, which mandates that EPA clean up all interiors regardless to whether they are residential or workspace, and confirmed my contention that the EPA is the lead agency in the World Trade Center case. Indeed, Administrator Whitman testified in front of Congress that "Under the provisions of PDD 62, signed by President Clinton in 1998, the EPA is assigned lead responsibility for cleaning up buildings and other sites contaminated by chemical or biological agents as a result of an act of terrorism."

Therefore, I respectfully request that you provide my office with all documents relating to this decision, including a detailed explanation and justification of how the EPA came to this decision, as well as a detailed explanation as to how your decision fits the legal criteria set out by PDD 62, which the top two EPA officials have confirmed is in effect.

Thank you in advance for your prompt response.

Sincerely,

Jerrold Nadler

Member of Congress

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